

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 11-401 RB/WDS
CR 06-706 RB

VICTOR CLAY RICHARDSON,

Defendant.

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

THIS MATTER comes before the court on Defendant's second and third Motions For the Appointment of counsel. (Document #12, 14) 28 U.S.C. §1915(e)(1) provides that the court may request an attorney to represent any person unable to afford counsel. The Court has broad discretion to appoint counsel for indigents under 28 U.S.C. § 1915(e), and its denial of counsel will not be overturned unless it would result in fundamental unfairness impinging on due process rights. *Long v. Shillinger*, 927 F.2d 525, 527 (10th Cir. 1991). In determining whether to appoint counsel, the district court should consider a variety of factors, including the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims. *Id.*

The Court has again considered the factors noted above, and again sees no basis for the appointment of counsel. Accordingly, the Court orders Defendant's Motions For Appointment of Counsel (Document #12, 14) denied. Because the Court has filed its Report and Recommendation

in this matter, the denial of these motions is with prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', is written above a horizontal line.

W. DANIEL SCHNEIDER
United States Magistrate Judge